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AO 104 Rev. 04/10 Application for a Search Warrant

JUN 08 2018

## UNITED STATES DISTRICT COURT

for the

Western District of Washington

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

Subject Phones, as more particularly described in  
Attachments A1-A6

Case No.

MJ18-266

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachments A1-A6, attached hereto and incorporated herein by reference.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, attached hereto and incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 USC §§ 841(a)(1) and 846	Distribution and Possession with Intent to Distribute a Controlled Substance, and Conspiracy to Distribute a Controlled Substance.

The application is based on these facts:  
See affidavit of Special Agent Tammy Spencer, HSI, attached hereto and incorporated herein.

- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

  
Applicant's signature

Tammy Spencer, Special Agent, HSI  
Printed name and title

Sworn to before me and signed in my presence.

Date: 06/08/2018

City and state: Seattle, WA

  
Judge's signature

Hon. Paula L. McCandlis, U.S. Magistrate Judge  
Printed name and title

**AFFIDAVIT**

STATE OF WASHINGTON )  
 )  
COUNTY OF KING )

I, TAMMY SPENCER, being first duly sworn, depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a "law enforcement officer of the United States" within the meaning of Title 18, United States Code, Section 2510(7). Specifically, I am a Special Agent (SA) with the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), assigned to the Homeland Security Investigations (HSI), Special Agent in Charge, Seattle, Washington. I have been an HSI Special Agent or a Special Agent with one of ICE's predecessor agencies, the U.S. Customs Service, since April 1998. Since entering on duty, I have investigated a wide variety of criminal violations to include narcotics trafficking, money laundering, wire fraud, commercial fraud, intellectual property crimes, smuggling, illegal exports, counter-proliferation violations, child pornography, and other crimes. I am currently assigned to the drug and bulk cash smuggling group where my duties include investigating individuals who are involved in the trafficking of illegal substances. This has included numerous investigations involving drug trafficking organizations (DTOs).

2. I have participated in investigations in which money launderers and drug traffickers relied heavily upon telephone communication as a means of communicating with their associates, confidential informants, cooperating individuals and undercover officers. I have interviewed individuals who have been directly and indirectly involved in amassing, spending, converting, transporting, distributing, laundering, and concealing proceeds of narcotics trafficking. I have also worked and consulted with numerous law enforcement officers experienced in narcotics and money laundering investigations. As a result, I am familiar with how money launderers and drug traffickers speak to each other and generally conduct business. For example, I am aware that money launderers and

1 drug traffickers discussing criminal matters over the phone often speak in code or in  
2 vague terms. I am also aware that these subjects frequently (1) provide false subscriber  
3 information to the service providers, (2) use phones which are subscribed to under  
4 identities other than their own, and (3) change phones in order to avoid detection by law  
5 enforcement.

6 **PURPOSE OF AFFIDAVIT**

7 3. This affidavit is submitted in support of an application for search warrants  
8 pursuant to Federal Rule of Criminal Procedure 41 to search the cellular telephones  
9 described below, collectively referred to as "**SUBJECT PHONES**," more particularly  
10 described in Attachments A1-A6, attached hereto and incorporated herein:

11 a. A blue Kyocera touch-screen cellular phone, Model C6743, HEX  
12 number 990-006-107-357-52, seized from a Nissan Versa driven by JOSUE BARBA-  
13 ARRIAGA (hereinafter "**SUBJECT PHONE #1**") at the time of his arrest on May 8,  
14 2018;

15 b. A black LG flip phone, Model LG-B470, Serial Number  
16 709VTYK362282, seized from a Nissan Versa driven by JOSUE BARBA-ARRIAGA  
17 (hereinafter "**SUBJECT PHONE #2**") at the time of his arrest on May 8, 2018;

18 c. A black ZTE touch-screen cellular phone, Model N9136, Serial  
19 Number 325776802F15, seized from a Nissan Versa driven by JOSUE BARBA-  
20 ARRIAGA (hereinafter "**SUBJECT PHONE #3**") at the time of his arrest on May 8,  
21 2018;

22 d. A black LG touch-screen cellular phone with a blue case, Model  
23 LGMP260, Serial Number 703CYWC093065, seized from the person of GERERDO  
24 SALCEDO-ALCANTAR (hereinafter "**SUBJECT PHONE #4**") at the time of his  
25 arrest on May 8, 2018;

26 e. A gold iPhone touch-screen cellular phone, Model A1660, FCC ID  
27 BCG-E3085A IC: 579C-E3085A, seized from a Chevrolet Tahoe driven by GABRIEL  
28

1 SAUCEDO-ALCAUTER (hereinafter "**SUBJECT PHONE #5**"), at the time of his  
2 arrest on May 8, 2018; and

3 f. A Verizon ZTE silver and black flip phone, Model Z233V, Serial  
4 Number 32F476342FEB, seized from a Chevrolet Tahoe driven by GABRIEL

5 SAUCEDO-ALCAUTER (hereinafter "**SUBJECT PHONE #6**"), at the time of his  
6 arrest on May 8, 2018).

7 4. The applied-for warrant would authorize the forensic examination of  
8 **SUBJECT PHONES** for the purpose of identifying electronically stored data  
9 particularly described in Attachment B.

10 5. The facts set forth in this Affidavit are based on my own personal  
11 knowledge; information obtained from other individuals during my participation in this  
12 investigation, including other law enforcement officers; review of documents and records  
13 related to this investigation; communications with others who have personal knowledge  
14 of the events and circumstances described herein; and information gained through my  
15 training and experience. Because this Affidavit is submitted for the limited purpose of  
16 establishing probable cause in support of the application for the requested search  
17 warrants, it does not set forth each and every fact that I or others have learned during the  
18 course of this investigation.

19 6. As set forth herein, there is probable cause to believe that a search of the  
20 **SUBJECT PHONES** will reveal evidence of violations of Title 21, United States Code,  
21 Sections 841(a)(1) (distribution and possession with intent to distribute a controlled  
22 substance) and 846 (conspiracy to distribute a controlled substance). The items to be  
23 seized are described within Attachment B, incorporated herein, and comprise evidence,  
24 fruits, and instrumentalities of violations of Title 21, United States Code, Sections  
25 841(a)(1) (distribution and possession with intent to distribute a controlled substance) and  
26 846 (conspiracy to distribute a controlled substance).

27 7. This is the first application for a search warrant of the **SUBJECT**  
28 **PHONES** in this judicial district related to this investigation.

**SUMMARY OF PROBABLE CAUSE**

8. On or about April 18, 2018, HSI Task Force Officer (TFO) Amy Branham spoke with an HSI cooperating source (hereinafter "CS-1"). Following her conversation with CS-1, TFO Branham advised me that CS-1 told her the following.

9. On or about April 18, 2018, CS-1 made contact with a drug trafficker that CS-1 knew by the moniker "El Canario" (the Canary) – by investigation determined to be GERERDO SALCEDO-ALCANTAR. CS-1 indicated that El Canario wished to sell CS-1 approximately five pounds of methamphetamine. Prior to selling CS-1 the methamphetamine, GERERDO SALCEDO-ALCANTAR wished to provide CS-1 a sample of the drugs. After the sample was provided, CS-1 would place an order for five pounds of methamphetamine.

**Cooperating Source Reliability and Background**

10. The reliability of CS-1 is based on the fact that he/she has assisted HSI with several investigations in the past few years. I am not aware of any false information provided by CS-1 during previous investigations. As in this case, on the prior occasions that CS-1 assisted law enforcement, he/she made controlled purchases of narcotics at the direction of law enforcement. Prior to these controlled buys, CS-1's person and/or vehicle were searched for controlled substances. On each occasion, CS-1's person/vehicle were found to be free of controlled substances. CS-1 was then observed meeting with target(s) of investigation where the controlled purchase was conducted. After the controlled purchase, positive surveillance of CS-1 was maintained as CS-1 traveled to the debrief location. CS-1 provided the controlled substance(s) that had just been purchased to the debriefing officers/agents. CS-1 was then searched again, with no additional controlled substances found on his/her person or in his/her vehicle.

11. CS-1 has shown a working knowledge of the drug business. CS-1 has a criminal and immigration history. CS-1 has one conviction for a state drug trafficking crime, a conviction for illegal re-entry after deportation, and an additional arrest for

1 narcotics trafficking which was dismissed. CS-1 is working with HSI in return for  
2 payment and immigration benefits.

3 **May 2, 2018, Sample Meeting with GERERDO SALCEDO-ALCANTAR, aka "El**  
4 **Canario"**

5 12. On May 2, 2018, agents and task force officers from the HSI Seattle High  
6 Intensity Drug Trafficking Activity Task Force (hereinafter "HHTF") conducted an  
7 undercover meeting with El Canario.

8 13. During the course of this meeting, CS-1—acting at the direction of law  
9 enforcement—obtained a methamphetamine sample and arranged for a future purchase of  
10 methamphetamine. My knowledge of the events that occurred during this meeting is  
11 based on my discussions with the officers present during the meeting, and my review of  
12 their written notes. In this manner, they relayed to me their observations, including the  
13 following.

14 14. At approximately 11:00 A.M., TFO Branham and SA Lassiter met with CS-  
15 1 and conducted a pat-down search of CS-1's person and vehicle. The search yielded  
16 negative results for contraband or bulk currency. From this time until the end of the  
17 sample buy operation conducted on May 2, 2018, CS-1 remained under constant  
18 surveillance by law enforcement.

19 15. At approximately 12:20 P.M., law enforcement observed CS-1 arrive at the  
20 Mill Apartments, located at 1324 Mill Creek Boulevard in Mill Creek, WA. At the  
21 direction of officers, CS-1 parked at a predetermined location within the apartment's  
22 parking lot.

23 16. At approximately 12:25 P.M., law enforcement observed an individual –  
24 subsequently identified as GERERDO SALCEDO-ALCANTAR– approach CS-1's  
25 location. Officers indicated that GERERDO SALCEDO-ALCANTAR appeared to be  
26 approximately thirty-five years old, 5'7", 150 pounds, with a skinny build and dark  
27 goatee. Officers also indicated that GERERDO SALCEDO-ALCANTAR was wearing a  
28 black and yellow hard hat – with a "Hawkeye" type bird on the side, clear eye protection,



1 and an orange safety vest – with “BRinc” written on the back. SA Rios photographed  
2 GERERDO SALCEDO-ALCANTAR and later shared this photographs with members of  
3 the task force.

4 17. Law enforcement observed that GERERDO SALCEDO-ALCANTAR had  
5 walked from the north side of the Mill Apartment complex directly to CS-1’s vehicle.  
6 GERERDO SALCEDO-ALCANTAR was observed entering the front seat of CS-1’s  
7 vehicle.

8 18. Approximately ten minutes later, officers observed GERERDO  
9 SALCEDO-ALCANTAR exit CS-1’s vehicle and walk away. Following the meeting,  
10 surveillance officers observed another vehicle (a silver Chevrolet Pickup Truck) appear  
11 to follow CS-1 as he/she departed the parking lot of the Mill Apartments. Agents were  
12 unable, however, to determine whether this vehicle was in fact conducting counter  
13 surveillance.

14 19. Immediately following the meeting with GERERDO SALCEDO-  
15 ALCANTAR, agents stayed in visual contact with CS-1 as he/she proceeded to a  
16 predetermined debrief location. Upon debrief, CS-1 advised the agents that GERERDO  
17 SALCEDO-ALCANTAR had provided the sample to CS-1 as planned, and CS-1 and  
18 GERERDO SALCEDO-ALCANTAR had agreed to increase the purchase amount of  
19 methamphetamine from five pounds to six pounds. CS-1 then gave law enforcement a  
20 baggie containing a crystalline substance and explained that GERERDO SALCEDO-  
21 ALCANTAR had provided the substance to CS-1 during the meeting in CS-1’s car.

22 20. SA Lassiter and TFO Branham field-tested this substance using a narcotics  
23 field test kit. The substance tested positive for the properties of methamphetamine. The  
24 net weight of the substance – without packaging – was 3.2 grams.

25 **May 8, 2018, Controlled Delivery of Methamphetamine**

26 21. On May 8, 2018, agents and task force officers from HHTF conducted a  
27 second undercover meeting with members of the DTO. The purpose of the meeting was  
28 for CS-1 to complete the purchase of six pounds of methamphetamine that he had

1 planned with GERERDO SALCEDO-ALCANTAR on May 2, 2018. Prior to this  
2 meeting, CS-1 advised that GERERDO SALCEDO-ALCANTAR had told him/her that  
3 GERERDO SALCEDO-ALCANTAR's brother – who resembled GERERDO  
4 SALCEDO-ALCANTAR– would be the individual who completed the transaction with  
5 CS-1.

6 22. My knowledge of the events occurring during this meeting is based on my  
7 discussions with the officers present during the meeting, and my review of their written  
8 notes. In this manner, they relayed to me their observations, including the following.

9 23. At approximately 12:20 P.M., TFO Branham and TFO San Miguel met  
10 with CS-1 and conducted a pat-down search of CS-1's person and vehicle. The search  
11 yielded negative results for contraband or bulk currency. From this time, until the end of  
12 the operation conducted on May 8, 2018, CS-1 remained under constant surveillance by  
13 law enforcement.

14 24. At approximately 12:50 P.M., CS-1 placed a phone call to GERERDO  
15 SALCEDO-ALCANTAR. TFOs Branham and San Miguel were present with CS-1  
16 during this phone call. During the call, CS-1 told GERERDO SALCEDO-ALCANTAR  
17 that he/she was on his/her way to the delivery location. GERERDO SALCEDO-  
18 ALCANTAR said that he would call his boss and advise that the drugs should be brought  
19 to the delivery location.

20 25. At approximately 12:53 P.M., GERERDO SALCEDO-ALCANTAR called  
21 CS-1 back. At the direction of the officers, CS-1 attempted to change the meet location.  
22 GERERDO SALCEDO-ALCANTAR would not agree to a change in delivery location,  
23 and indicated that he wanted to meet at the same apartments where CS-1 and GERERDO  
24 SALCEDO-ALCANTAR had met on May 2, 2018, *i.e.*, the Mill Apartments located at  
25 1324 Mill Creek Boulevard, Mill Creek, WA.

26 26. Shortly after 1:00 P.M., TFOs Branham and San Miguel directed CS-1 to  
27 travel to the delivery location as directed by GERERDO SALCEDO-ALCANTAR.  
28



1 Officers followed CS-1 as he/she traveled from the staging location to the Mill  
2 Apartments.

3 27. At approximately 1:16 P.M., SA MacDonald observed GERERDO  
4 SALCEDO-ALCANTAR working at the Mill Apartments. The location where  
5 GERERDO SALCEDO-ALCANTAR was working had a view of the entrance of the  
6 apartment complex. SA MacDonald recognized GERERDO SALCEDO-ALCANTAR  
7 based upon the photo taken by SA Rios on May 2, 2018. GERERDO SALCEDO-  
8 ALCANTAR was wearing the same hard hat with a "Hawkeye" logo on the side.

9 28. At approximately 1:17 P.M., officers observed a possible counter  
10 surveillance vehicle, a silver 2001 Chevy Tahoe bearing Washington license plate  
11 BIS6235 (registered to an individual unknown to agents working on this case).  
12 Specifically, SSA Dkane and SA Rios observed the Tahoe circling the parking lot at the  
13 Mill Apartments.

14 29. At approximately 1:18 P.M., GERERDO SALCEDO-ALCANTAR called  
15 CS-1 to see when CS-1 would arrive at the delivery location. CS-1 told GERERDO  
16 SALCEDO-ALCANTAR that he/she was very close. Law enforcement heard CS-1's  
17 portion of this call via a body wire transmitter that CS-1 was wearing.

18 30. At about that same time, the Tahoe exited the Mill Apartments and parked  
19 in the apartment complex to the north, across Mill Creek Boulevard. The Tahoe parked  
20 in such a way that the driver could see the entrance to the Mill Apartments.

21 31. At approximately 1:18 P.M., CS-1 arrived at the Mill Apartments and  
22 parked under the carport at building A (the same location used for the May 2, 2018,  
23 sample meeting). Moments later, SA Rios and SSA Dkane observed a blue Nissan Versa  
24 bearing Illinois plates AS73682 pull up next to the driver side of CS-1's vehicle (this  
25 vehicle is registered to an individual unknown to agents working on this case).

26 32. Law enforcement observed that the driver of the Nissan Versa was the only  
27 individual in the vehicle. Law enforcement then observed the driver of the Nissan Versa  
28 – subsequently identified as JOSUE BARBA-ARRIAGA – exit the Nissan Versa and

1 proceed to the passenger's side of CS-1's vehicle. SA Rios and SSA Dkane observed  
2 that JOSUE BARBA-ARRIAGA was carrying a black and red bag as he entered CS-1's  
3 vehicle.

4 33. While CS-1 and JOSUE BARBA-ARRIAGA met inside of CS-1's vehicle,  
5 SA Rios and SSA Dkane observed the Tahoe drive back into the Mill Apartments. The  
6 Tahoe drove by CS-1's vehicle. The Tahoe first stopped next to the Versa, before  
7 ultimately parking approximately forty-five feet behind CS-1's vehicle. The Tahoe was  
8 positioned so that the driver of the Tahoe had full view of CS-1's vehicle.

9 34. Approximately one minute later, CS-1 provided TFO San Miguel the pre-  
10 determined signal to indicate that CS-1 had seen the drugs. At that time, TFO San  
11 Miguel called in the arrest teams and SA Rios placed JOSUE BARBA-ARRIAGA into  
12 custody. When agents made contact with JOSUE BARBA-ARRIAGA, he was seated in  
13 the front passenger seat of CS-1's vehicle.

14 35. As agents approached JOSUE BARBA-ARRIAGA – wearing "Police"  
15 markings – the driver of the Tahoe attempted to quickly leave the parking lot of the Mill  
16 Apartment complex. Law enforcement stopped the Tahoe before it left the parking lot.  
17 SSA Dkane then placed the driver of the Tahoe into custody. The driver was later  
18 identified as GABRIEL SAUCEDO-ALCAUTER – the brother of GERERDO  
19 SALCEDO-ALCANTAR.

20 36. Moments later, SA MacDonald located GERERDO SALCEDO-  
21 ALCANTAR in another part of the Mill Apartment complex. GERERDO SALCEDO-  
22 ALCANTAR was wearing the same "Hawkeye" helmet and BRInc vest that he had been  
23 observed wearing on the day of the sample meeting on May 2, 2018. GERERDO  
24 SALCEDO-ALCANTAR was taken into custody by SA MacDonald and SSA Dkane. At  
25 the time of his arrest, GERERDO SALCEDO-ALCANTAR was carrying **SUBJECT**  
26 **PHONE #4** in his hand.

27 37. TFO San Miguel requested and obtained consent from GABRIEL  
28 SAUCEDO-ALCAUTER to search the Tahoe. Agents subsequently located **SUBJECT**

1 **PHONES #5 & #6** behind the driver's seat and around the center console of the Tahoe  
2 driven by GABRIEL SAUCEDO-ALCAUTER.

3 38. TFO San Miguel also requested and obtained consent from JOSUE  
4 BARBA-ARRIAGA to search the Nissan Versa. Officers then located **SUBJECT**  
5 **PHONES #1 – #3** in the backseat area of the Nissan Versa.

6 39. TFO Branham recovered the black and red bag that BARBA-ARRIAGA  
7 has been observed carrying into CS-1's vehicle. The bag was located on the center  
8 console between the driver and front passenger seats. The bag was open when TFO  
9 Branham located it. The bag contained six cellophane wrapped packages containing a  
10 white crystalline substance.

11 40. TFO Branham and TFO San Miguel field-tested this substance using a  
12 narcotics field test kit. The substance tested positive for the properties of  
13 methamphetamine. The total weight of the substance – with packaging – was 2,771.2  
14 grams.

15 41. TFO San Miguel advised JOSUE BARBA-ARRIAGA of his *Miranda*  
16 rights in the Spanish language. JOSUE BARBA-ARRIAGA indicated that he understood  
17 his rights. JOSUE BARBA-ARRIAGA then told TFO San Miguel that he had been  
18 provided the black and red bag – found to contain methamphetamine – by a dark-skinned  
19 Hispanic male. JOSUE BARBA-ARRIAGA stated that he was delivering the bag at the  
20 direction of someone that had called him on the phone. JOSUE BARBA-ARRIAGA  
21 indicated that he did not know the identity of the person who had called him on the cell  
22 phone and had directed him to deliver the bag. JOSUE BARBA-ARRIAGA disavowed  
23 knowledge of the contraband nature of the contents of the black and red bag.  
24 Upon debrief of CS-1 by TFO Branham, CS-1 stated that when JOSUE BARBA-  
25 ARRIAGA got into CS-1's vehicle, JOSUE BARBA-ARRIAGA told CS-1 to take  
26 "it." JOSUE BARBA-ARRIAGA then placed the bag on the center console. The bag  
27 was initially closed. CS-1 then asked if there were "six" – meaning six pounds of  
28 methamphetamine. JOSUE BARBA-ARRIAGA replied, "yes, six." CS-1 told JOSUE

1 BARBA-ARRIGA that he wanted to count the packages. JOSUE BARBA-ARRIAGA  
2 objected and stated, "Here? People might see us." CS-1 then took one of the six  
3 packages out of the black and red bag. CS-1 counted the remaining five packages, but  
4 did not remove them from the bag. Once CS-1 confirmed the contents of the black and  
5 red bag, he gave a predetermined signal to law enforcement confirming that the  
6 methamphetamine was present in the vehicle.<sup>1</sup>

7 42. **SUBJECT PHONES** are currently in the custody of HSI at 1000 Second  
8 Avenue, Seattle, Washington. In my training and experience, I know that **SUBJECT**  
9 **PHONES** have been stored in a manner in which their contents are, to the extent material  
10 to this investigation, in substantially the same state as they were when **SUBJECT**  
11 **PHONES** first came into the possession of HSI.

12 **DIGITAL DEVICES AS INSTRUMENTALITIES OF THE CRIMES**

13 43. Based upon my training and experience, and conversations with, and  
14 training from, other officers and agents involved in narcotics investigations, I know the  
15 following about drug traffickers and their use of cell phones.

16 44. Traffickers of controlled substances commonly maintain records reflecting  
17 names or nicknames, addresses, vehicles, and/or telephone numbers of their suppliers,  
18 customers and associates in the trafficking organization. Traffickers commonly maintain  
19 this information in books or papers as well as in cellular telephones and other electronic  
20 devices. Traffickers often maintain cellular telephones for ready access to their clientele  
21 and to maintain their ongoing narcotics business. Traffickers frequently change their  
22 cellular telephone numbers to avoid detection by law enforcement, and it is common for  
23 traffickers to use more than one cellular telephone at any one time.

24 45. Narcotics traffickers sometimes take, or cause to be taken, photographs  
25 and/or video recordings of themselves, their associates, their property, and their illegal  
26

27  
28 <sup>1</sup> Though CS-1 was wearing a body wire, the recording of the exchange between CS-1 and  
BARBA-ARRIAGA in CS-1's vehicle is not intelligible.

1 product. Given the widespread use of digital cameras, and the fact that virtually all smart  
2 phones have a built-in digital camera, I know that digital photos and/or video recordings  
3 are likely to be found on **SUBJECT PHONES**.

4 46. Drug dealers use cellular telephones as a tool or instrumentality in  
5 committing their criminal activity. They use them to maintain contact with their  
6 suppliers, distributors, and customers. They prefer cellular telephones because, first, they  
7 can be purchased without the location and personal information that land lines require.  
8 Second, they can be easily carried to permit the user maximum flexibility in meeting  
9 associates, avoiding police surveillance, and traveling to obtain or distribute drugs.  
10 Third, they can be passed between members of a drug conspiracy to allow substitution  
11 when one member leaves the area temporarily. Since cellular phone use became  
12 widespread, every drug dealer I have contacted has used one or more cellular telephones  
13 for his or her drug business. I also know that it is common for drug traffickers to retain in  
14 their possession phones that they previously used, but have discontinued actively using,  
15 for their drug trafficking business. Based on my training and experience, the data  
16 maintained in a cellular telephone used by a drug dealer is evidence of a crime or crimes.  
17 This includes the following:

18 47. The assigned number to the cellular telephone (known as the mobile  
19 directory number or MDN), and the identifying telephone serial number (Electronic  
20 Serial Number, or ESN), (Mobile Identification Number, or MIN), (International Mobile  
21 Subscriber Identity, or IMSI), or (International Mobile Equipment Identity, or IMEI) are  
22 important evidence because they reveal the service provider, allow us to obtain subscriber  
23 information, and uniquely identify the telephone. This information can be used to obtain  
24 toll records, to identify contacts by this telephone with other cellular telephones used by  
25 co-conspirators, to identify other telephones used by the same subscriber or purchased as  
26 part of a package, and to confirm if the telephone was contacted by a cooperating source.

27 48. The stored list of recent received, missed, and sent calls is important  
28 evidence. It identifies telephones recently in contact with the telephone user. This is

1 | valuable information in a drug investigation because it will identify telephones used by  
2 | other members of the organization, such as suppliers, distributors and customers, and it  
3 | confirms the date and time of contacts. If the user is under surveillance, it identifies what  
4 | number he called during or around the time of a drug transaction or surveilled meeting.  
5 | Even if a contact involves a telephone user not part of the conspiracy, the information is  
6 | helpful (and thus is evidence) because it leads to friends and associates of the user who  
7 | can identify the user, help locate the user, and provide information about the user.  
8 | Identifying a defendant's law-abiding friends is often just as useful as identifying his  
9 | drug-trafficking associates.

10 |       49.    Stored text messages are important evidence, similar to stored numbers.  
11 | Agents can identify both drug associates, and friends of the user who likely have helpful  
12 | information about the user, his location, and his activities.

13 |       50.    Photographs on a cellular telephone are evidence because they help identify  
14 | the user, either through his or her own picture, or through pictures of friends, family, and  
15 | associates that can identify the user. Pictures also identify associates likely to be  
16 | members of the drug trafficking organization. Also, digital photos often have embedded  
17 | "geocode" or GPS information embedded in them. Geocode information is typically the  
18 | longitude and latitude where the photo was taken. Showing where the photo was taken  
19 | can have evidentiary value. This location information is helpful because, for example, it  
20 | can show where coconspirators meet, where they travel, and where assets might be  
21 | located.

22 |       51.    Stored address records are important evidence because they show the user's  
23 | close associates and family members, and they contain names and nicknames connected  
24 | to phone numbers that can be used to identify suspects.

#### 25 |                                   **TECHNICAL TERMS**

26 |       52.    Based on my training and experience, I use the following technical terms to  
27 | convey the following meanings:  
28 |



1           a.     Wireless telephone: A wireless telephone (or mobile telephone, or  
2 cellular telephone) is a handheld wireless device used for voice and data communication  
3 through radio signals. These telephones send signals through networks of  
4 transmitter/receivers, enabling communication with other wireless telephones or  
5 traditional "land line" telephones. A wireless telephone usually contains a "call log,"  
6 which records the telephone number, date, and time of calls made to and from the phone.  
7 In addition to enabling voice communications, wireless telephones offer a broad range of  
8 capabilities. These capabilities include: storing names and phone numbers in electronic  
9 "address books;" sending, receiving, and storing text messages and e-mail; taking,  
10 sending, receiving, and storing still photographs and moving video; storing and playing  
11 back audio files; storing dates, appointments, and other information on personal  
12 calendars; and accessing and downloading information from the Internet. Wireless  
13 telephones may also include global positioning system ("GPS") technology for  
14 determining the location of the device.

15           b.     Digital camera: A digital camera is a camera that records pictures as  
16 digital picture files, rather than by using photographic film. Digital cameras use a variety  
17 of fixed and removable storage media to store their recorded images. Images can usually  
18 be retrieved by connecting the camera to a computer or by connecting the removable  
19 storage medium to a separate reader. Removable storage media include various types of  
20 flash memory cards or miniature hard drives. Most digital cameras also include a screen  
21 for viewing the stored images. This storage media can contain any digital data, including  
22 data unrelated to photographs or videos.

23           c.     Portable media player: A portable media player (or "MP3 Player" or  
24 iPod) is a handheld digital storage device designed primarily to store and play audio,  
25 video, or photographic files. However, a portable media player can also store other  
26 digital data. Some portable media players can use removable storage media. Removable  
27 storage media include various types of flash memory cards or miniature hard drives. This  
28 removable storage media can also store any digital data. Depending on the model, a

1 | portable media player may have the ability to store very large amounts of electronic data  
2 | and may offer additional features such as a calendar, contact list, clock, or games.

3 |           d.     GPS: A GPS navigation device uses the Global Positioning System  
4 | to display its current location. It often contains records of the locations where it has been.  
5 | Some GPS navigation devices can give a user driving or walking directions to another  
6 | location. These devices can contain records of the addresses or locations involved in  
7 | such navigation. The Global Positioning System (generally abbreviated "GPS") consists  
8 | of 24 NAVSTAR satellites orbiting the Earth. Each satellite contains an extremely  
9 | accurate clock. Each satellite repeatedly transmits by radio a mathematical representation  
10 | of the current time, combined with a special sequence of numbers. These signals are sent  
11 | by radio, using specifications that are publicly available. A GPS antenna on Earth can  
12 | receive those signals. When a GPS antenna receives signals from at least four satellites, a  
13 | computer connected to that antenna can mathematically calculate the antenna's latitude,  
14 | longitude, and sometimes altitude with a high level of precision.

15 |           e.     Internet: The Internet is a global network of computers and other  
16 | electronic devices that communicate with each other. Due to the structure of the Internet,  
17 | connections between devices on the Internet often cross state and international borders,  
18 | even when the devices communicating with each other are in the same state.

19 |         53.     Based on my training, experience, and research and from consulting the  
20 | manufacturers' advertisements and product technical specifications available online, I  
21 | know that **SUBJECT PHONES**, seized on May 8, 2018, from JOSUE BARBA-  
22 | ARRIAGA, GERERDO SALCEDO-ALCANTAR, and GABRIEL SAUCEDO-  
23 | ALCAUTER, have the capability that allow them to serve as a wireless telephone, digital  
24 | camera, portable media player, and/or GPS navigation device. In my training and  
25 | experience, examining data stored on devices such as **SUBJECT PHONES** can uncover,  
26 | among other things, evidence that reveals or suggests who possessed or used the device.

27 | //

28 | //

1                    **ELECTRONIC STORAGE AND FORENSIC ANALYSIS**

2            54.    Based on my knowledge, training, and experience, I know that electronic  
3 devices can store information for long periods of time. Similarly, things that have been  
4 viewed via the Internet are typically stored for some period of time on the device. This  
5 information can sometimes be recovered with forensics tools.

6            55.    *Forensic evidence.* As further described in Attachment B, this application  
7 seeks permission to locate not only electronically stored information that might serve as  
8 direct evidence of the crimes described on the warrant, but also forensic evidence that  
9 establishes how the Device was used, the purpose of its use, who used it, and when.  
10 There is probable cause to believe that this forensic electronic evidence might be on the  
11 Device because:

12            a.    Data on the storage medium can provide evidence of a file that was  
13 once on the storage medium but has since been deleted or edited, or of a deleted portion  
14 of a file (such as a paragraph that has been deleted from a word processing file).

15            b.    Forensic evidence on a device can also indicate who has used or  
16 controlled the device. This “user attribution” evidence is analogous to the search for  
17 “indicia of occupancy” while executing a search warrant at a residence.

18            c.    A person with appropriate familiarity with how an electronic device  
19 works may, after examining this forensic evidence in its proper context, be able to draw  
20 conclusions about how electronic devices were used, the purpose of their use, who used  
21 them, and when.

22            d.    The process of identifying the exact electronically stored  
23 information on a storage medium that are necessary to draw an accurate conclusion is a  
24 dynamic process. Electronic evidence is not always data that can be merely reviewed by  
25 a review team and passed along to investigators. Whether data stored on a computer is  
26 evidence may depend on other information stored on the computer and the application of  
27 knowledge about how a computer behaves. Therefore, contextual information necessary  
28 to understand other evidence also falls within the scope of the warrant.

1 e. Further, in finding evidence of how a device was used, the purpose  
2 of its use, who used it, and when, sometimes it is necessary to establish that a particular  
3 thing is not present on a storage medium.

4 f. I know that when an individual uses an electronic device in relation  
5 to a drug trafficking crime, the individual's electronic device will generally serve both as  
6 an instrumentality for committing the crime, and also as a storage medium for evidence  
7 of the crime. The electronic device is an instrumentality of the crime because it is used as  
8 a means of committing the criminal offense. The electronic device is also likely to be a  
9 storage medium for evidence of crime. From my training and experience, I believe that  
10 an electronic device used to commit a crime of this type may contain: data that is  
11 evidence of how the electronic device was used; data that was sent or received; and other  
12 records that indicate the nature of the offense.


13 56. *Nature of examination.* Based on the foregoing, and consistent with Rule  
14 41(e)(2)(B), the warrants I am applying for would permit the examination of SUBJECT  
15 PHONES consistent with the warrant. The examination may require authorities to  
16 employ techniques, including but not limited to computer-assisted scans of the entire  
17 medium, that might expose many parts of the device to human inspection in order to  
18 determine whether it is evidence described by the warrant.

19 57. *Manner of execution.* Because this warrant seeks only permission to  
20 examine devices already in law enforcement's possession, the execution of this warrant  
21 does not involve the physical intrusion onto a premises. Consequently, I submit there is  
22 reasonable cause for the Court to authorize execution of the warrant at any time in the  
23 day or night.

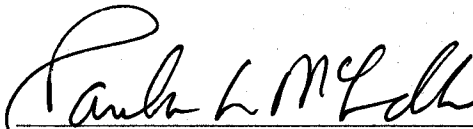
#### 24 CONCLUSION

25 58. Based upon the evidence gathered in this investigation and set out above,  
26 including but not limited to my review of data and records, information received from  
27 other federal agents, and my training and experience, there is probable cause to believe  
28 that evidence, fruits and/or instrumentalities of the crime of Title 21, United States Code,

1 Sections 841(a)(1) (distribution and possession with intent to distribute a controlled  
2 substance) and 846 (conspiracy to distribute a controlled substance), as described in  
3 Attachment B to this affidavit incorporated herein by reference, will be located during the  
4 search of **SUBJECT PHONES** further described in Attachments A1-A6 to this affidavit,  
5 incorporated herein by reference.

6  
7   
8 TAMMY L. SPENCER  
9 Special Agent, HSI

10 SUBSCRIBED AND SWORN to before me this 8th day of June, 2018.

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13 PAULA L. MCCANDLIS  
14 United States Magistrate Judge  
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**ATTACHMENT A1**

**Item to be Searched**

A blue Kyocera touch-screen cellular phone, Model C6743, HEX number 990-006-107-357-52, seized from a Nissan Versa driven by JOSUE BARBA-ARRIAGA (hereinafter "**SUBJECT PHONE #1**") at the time of his arrest on May 8, 2018; currently in the custody of Homeland Security Investigations at 1000 Second Avenue, Seattle, Washington.

This warrant authorizes the forensic examination of the device for the purpose of identifying the electronically stored information described in Attachment B.



**ATTACHMENT A2**

**Item to be Searched**

A black LG flip phone, Model LG-B470, Serial Number 709VTYK362282, seized from a Nissan Versa driven by JOSUE BARBA-ARRIAGA (hereinafter "**SUBJECT PHONE #2**") at the time of his arrest on May 8, 2018; currently in the custody of Homeland Security Investigations at 1000 Second Avenue, Seattle, Washington.

This warrant authorizes the forensic examination of the device for the purpose of identifying the electronically stored information described in Attachment B.

**ATTACHMENT A3**

**Item to be Searched**

A black ZTE touch-screen cellular phone, Model N9136, Serial Number 325776802F15, seized from a Nissan Versa driven by JOSUE BARBA-ARRIAGA (hereinafter "**SUBJECT PHONE #3**") at the time of his arrest on May 8, 2018; currently in the custody of Homeland Security Investigations at 1000 Second Avenue, Seattle, Washington.

This warrant authorizes the forensic examination of the device for the purpose of identifying the electronically stored information described in Attachment B.

**ATTACHMENT A4**

**Item to be Searched**

A black LG touch-screen cellular phone with a blue case, Model LGMP260, Serial Number 703CYWC093065, seized from the person of GERERDO SALCEDO-ALCANTAR (hereinafter "**SUBJECT PHONE #4**") at the time of his arrest on May 8, 2018; currently in the custody of Homeland Security Investigations at 1000 Second Avenue, Seattle, Washington.

This warrant authorizes the forensic examination of the device for the purpose of identifying the electronically stored information described in Attachment B.

**ATTACHMENT A5**

**Item to be Searched**

A gold iPhone touch-screen cellular phone, Model A1660, FCC ID BCG-E3085A IC: 579C-E3085A, seized from a Chevrolet Tahoe driven by GABRIEL SAUCEDO-ALCAUTER (hereinafter "**SUBJECT PHONE #5**"), at the time of his arrest on May 8, 2018; currently in the custody of Homeland Security Investigations at 1000 Second Avenue, Seattle, Washington.

This warrant authorizes the forensic examination of the device for the purpose of identifying the electronically stored information described in Attachment B.

**ATTACHMENT A6**

**Item to be Searched**

A Verizon ZTE silver and black flip phone, Model Z233V, Serial Number 32F476342FEB, seized from a Chevrolet Tahoe driven by GABRIEL SAUCEDO-ALCAUTER (hereinafter "**SUBJECT PHONE #6**"), at the time of his arrest on May 8, 2018; currently in the custody of Homeland Security Investigations at 1000 Second Avenue, Seattle, Washington.

This warrant authorizes the forensic examination of the device for the purpose of identifying the electronically stored information described in Attachment B.

**ATTACHMENT B**  
**Items to be Seized**

This warrant authorizes the government to search for and seize the following items from the SUBJECT PHONE(S) which constitute evidence, instrumentalities, or fruits of violations of Title 21, United States Code, Sections 841(a)(1) (distribution and possession with intent to distribute a controlled substance) and 846 (conspiracy to distribute a controlled substance):

- a. Assigned telephone numbers and identifying serial numbers (e.g., ESN, MIN, IMSI, IMEI);
- b. Stored lists of received, sent, or missed calls and/or text messages;
- c. Stored contact information;
- d. Stored photographs and videos of narcotics; stored photographs and videos which relate to customers and their identifying information; stored photographs and videos which relate to the sources, amounts, types, payments for, and prices of drugs trafficked; stored photographs or videos that show the user of the phone and/or suspected co-conspirators; and any embedded GPS data associated with the above photographs or videos; and
- e. Stored text messages including Apple iMessages, Blackberry Messenger messages or other similar messaging services where the data is stored on the telephone which relate to narcotics, customers, sources, amounts, types, payments for, and prices of drugs trafficked; and
- f. Evidence of user attribution showing who used or owned the SUBJECT PHONE(S) at the time the things described in this warrant were created, edited, or deleted, such as logs, phonebooks, saved usernames and passwords, documents, and browsing history.